

REMARKS

This responds to the Office Action mailed on March 1, 2007.

Claims 16, 32, and 34 are amended based on an existing feature of claim 2, no claims are canceled, and no claims are added; as a result, claims 1-35 are now pending in this application.

§101 Rejection of the Claims

Claims 30-31 and 34-35 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter where “A computer readable medium storing a set of instructions” as recited in the claim may be reasonably interpreted as being not limited to computer readable storage media, for example, as referred to in Specification (SPEC: Para [0076], page 25, line 5-7) as being intended to include communication media that include carrier wave signals that ‘bear’ instructions as claimed. Such embodiments of the “manufacture” claims 30-31 and 34-35 are not computer elements which define structural and functional interrelationships between the instructions and the rest of the computer that permit the functionality of the instructions to be realized. Thus, for at least this reason, claims 30-31 and 34-35 are directed to a non-statutory subject matter as not being tangible and concrete and it would not be eligible for patentability because it would be eligible for patentability if a practical application was present that produced a useful, concrete and tangible result upon execution of the instructions.

The specification at paragraph [0076] has been amended to remove carrier wave signals. No new matter has been added. Thus, claims 30-31 and 34-35 are not directed to a non-statutory subject matter and are practical, tangible and concrete. As such, Applicants respectfully request the claim rejections under 35 U.S.C. § 101 be withdrawn.

§102 Rejection of the Claims

Claims 1-3, 6, 9, 13, 14, 16-18, 21, 24, 28, 30, 32 and 34 were rejected under 35 U.S.C. § 102(e) for anticipation by Grootwassink (U.S. 7,031,705).

Applicants respectfully submit that the Office Action did not make out a *prima facie* case of anticipation for at least the following reasons:

The reference does not teach each and every claim element.

To anticipate a claim, the reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 1 recites:

performing, in a first service access provider, operations including,
receiving an access request from a client access device, the access request requesting access to a network, wherein a user associated with the client access device is a subscriber of a second service access provider;
establishing a communications link with the client access device to authenticate and authorize the user;
receiving client device configuration data from the client access device over the communications link during an authentication and authorization exchange;
transmitting the client device configuration data destined for the second service access provider, wherein the second service access provider is operable to process the client device configuration data and selectively grant the client access device access to the network based upon the client device configuration data; and
receiving an indication about whether the client access device is granted access to the network, the indication originating from the second service access provider.

(Emphasis added)

Grootwassink provides:

Assume Mr. Smith travels from Brazil to Miami, Fla. where he desires to use his wireless unit--normally served by a Brazilian carrier. Referring to FIG. 2, after Mr. Smith powers-on or turns on his mobile unit, at step 1 the mobile unit sends a registration request to a serving MSC (MSC-V) in the network that serves the Miami region. The MSC-V receives the registration information that is provided by the wireless unit that typically includes the ESN and MIN of the wireless unit. If the MSC-V does not find the wireless unit in its HLR or VLR and if the MSC-V determines a non-North American carrier serves the mobile number, the MSC-V forwards the registration information to a SCP. The SCP looks up the carrier associated with the wireless unit in order to forward the registration notification request to that carrier's HLR.

(Col. 5, lines 33-47) (Emphasis added)

In the above passage, the MSC-V (Mobile Switching Center-Visited) receives the registration information from the mobile unit, the MSC forwards the registration information to a SCP (Service Control Point), the SCP forwards the registration notification request to the carrier's HLR. However, the passages describes the MSC receiving the registration information provided by the wireless unit, which is not the same *an access request from a client access device*. Because Grootwassink at Col. 2 lines 50-51 specifically states that the wireless unit's identification is also referred to as registration information, the registration information can be considered as the wireless unit's identification, which may be used in an access request, but can not be equated with *an access request*. As such, the passage does not teach, "*in a first service access provider . . . receiving an access request from a client access device. . .*," as recited in claim 1.

The Office Action, at page 5, alleges that the claimed feature of, "establishing a communications link with the client access device to authenticate and authorize the user" is disclosed in the following passage:

As shown in FIG. 1, generally in validation, when a wireless unit initiates a communication in a visited service area, the visited system service provider attempts to find the wireless unit's identification (also referred to as registration information) in the visitor location register (VLR) of an appropriate MSC in the visited system (MSC-V). If the VLR lacks the required information, it queries the roamer's home location register ("HLR") in the roamer's home system via a registration notification "REGNOT" request, which includes the wireless unit's identification (e.g., mobile number, its electronic serial number (ESN), and/or mobile identification number (MIN)). Typically, if the roamer's service provider is domestic, the VLR sends the query directly to the HLR; if the roamer's service providers is a non-North American carrier, the REGNOT request is routed through a Service Control Point ("SCP") to the roamer's HLR. The HLR examines the wireless unit's identification to determine if it is valid. If so, then the HLR validates the wireless unit with a message to the serving VLR in the visited system, with settings indicating whether the subscriber can be served at all or partially (e.g., calls to the subscriber allowed, but the subscriber cannot originate calls, or vice versa).

(Col. 2, line 47-67) (Emphasis added)

The quoted text describes , the visited system service provider attempts to find the wireless unit's identification . . . If the VLR lacks the required information, it queries the roamer's home location register. Nonetheless, it is silent with respect to the claimed feature of . .

. *to authorize the user*. In other words, the text does not teach or suggest, “*establishing a communications link with the client access device to authenticate and authorize the user,*” as recited in claim 1.

Therefore, Applicants respectfully submit that, at least for the reasons set forth above, Grootwassink does not teach or suggest each and every element of claim 1. Thus, independent claim 1 and its dependent claims 2-3, 6, 9, 13, 14 are allowable and it is requested the claim rejections under 35 U.S.C. § 102(e) be withdrawn.

Claim 16 recites, “to establish a communications link to the client access device to receive, from the client access device, authentication information for a user associated with the client access device.” Applicants respectfully submit that, at least for the same reasons set forth above, Grootwassink does not teach this claim feature. Claims 16, as amended, further recites, “a second service access provider . . . to process the configuration data, and to selectively grant the client access device access to the network based upon the configuration data, wherein processing the configuration data includes determining if the configuration data meets predetermined security requirements.” The Office Action, at page 8, alleges that Grootwassink disclose the feature at Col. 2 lines 63-67. The quoted passage (see above) states that The HLR examines the wireless unit's identification to determine if it is valid. If so, then the HLR validates the wireless unit with a message to the serving VLR in the visited system. However, examining the wireless unit's identification, clearly, is not the same as *processing the configuration data . . . to determine if the configuration data meets predetermined security requirements*. In other words, Grootwassink, in the above passage, does not disclose, “*to process the configuration data, . . . wherein processing the configuration data includes determining if the configuration data meets predetermined security requirements,*” as recited in claim 16. As such, at least for the reasons noted above, Grootwassink fails to teach each and every element of claim 16. Thus, independent claim 16 and its dependent claims 17-18, 21, 24, and 28 are allowable and it is respectfully requested the claim rejections under 35 U.S.C. § 102(e) be withdrawn.

The same arguments as presented with respect to claim 1 are also applicable in a consideration of claim 30. As such, Applicants respectfully submit that, for at least the same reasons, claim 30 is allowable.

Claim 32, as amended, includes the feature of, “processing the configuration data, by the second service access provider, wherein processing the configuration data includes determining if the configuration data meets predetermined security requirements.” Claim 34 includes a similar feature. The same arguments as presented with respect to claim 16 are also applicable to a consideration of claims 32 and 34. As such, at least for the same reasons set forth above, claims 32 and 34 are allowable and their rejections under 35 U.S.C. § 102(e) should be withdrawn.

§103 Rejection of the Claims

Claims 4, 5, 7, 8, 10-12, 15, 19, 20, 22, 23, 25-27, 29, 31, 33 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Grootwassink in view of Albert et al. (U.S. 2003/0177389, hereinafter “Albert”).

Applicants respectfully submit that the Office Action did not make out a *prima facie* case of obviousness for the following reasons:

Even if combined, the cited references fail to teach or suggest all of the elements of Applicant’s claimed invention;

The reference (or references when combined) must teach or suggest all the claim elements. M.P.E.P. § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)).

Claims 4, 5, 7, 8, 10-12, and 15 are dependent on claim 1. Claims 19, 20, 22, 23, 25-27, and 29 are dependent on claim 16. Claims 31, 33, and 35 are dependent on claims 30, 32, and 34, respectively. In consideration of the above 35 U.S.C. § 103(a) rejections, in light of the arguments presented with respect to independent claims 1, 16, 30, 32, and 34, Grootwassink does not anticipate any of the independent claims 1, 16, 30, 32, and 34, and their dependent claims. As such, Applicants respectfully submit that no *prima facie* case of obviousness, for the claims, based on Grootwassink is established. Therefore, claims 4, 5, 7, 8, 10-12, 15, 19, 20, 22, 23, 25-27, 29, 31, 33 and 35 stand allowable and it is respectfully requested the claim rejections under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4042 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 22 day of May, 2007.

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